



ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WASTE MANAGEMENT
200 FAIR OAKS LANE, SECOND FLOOR
FRANKFORT, KY 40601
TELEPHONE NUMBER 502-564-6716

**Registration for a Registered Permit-By-Rule
Less-Than-One-Acre
Construction/Demolition Debris (CDD) Landfill
Form DEP 7059-H (1/10)**

Statutes and regulations may be viewed online at the following website
address: <http://www.lrc.ky.gov/search.htm>

Solid waste application forms are available at the following website
address: <http://www.waste.ky.gov>

DWM OFFICIAL USE ONLY

AI#: _____

Application #: _____

This registration shall become effective five (5) business days after the cabinet receives it, unless the cabinet denies the registration within that time.

GENERAL INSTRUCTIONS

- 1. APPLICABILITY – This form must be complete and submitted to the cabinet by persons requesting the issuance of a permit for a less than one acre construction/demolition debris landfill pursuant to KRS 224.40-330.**
- 2. ASSISTANCE – Questions regarding this form may be directed in writing to the Division of Waste Management (DWM), Solid Waste Branch at the address listed above, or by calling 502-564-6716.**
- 3. SUBMISSION – Type or print legibly in permanent ink. Submit the original and two (2) copies of the completed form to the DWM at the address listed above. If an item is not applicable, write “N/A” in the space provided.**
- 4. REPORTING - Form DEP 7046 must be maintained on site at all times to comply with regulatory recordkeeping requirements and can be downloaded from the website listed above.**
- 4. FINANCIAL ASSURANCE – Minimum \$10,000 bond with surety pursuant to KRS 224.40-650.**
- 5. LAWS AND REGULATIONS – Applicants are expected to understand and comply with all applicable laws and regulations, including all operator certification requirements.**

To assist you in the submittal of a complete and accurate application, the DWM has identified the most common errors made in the review process. These errors are listed below for your convenience.

- 1. Failure to complete the application. All maps, attachments, and supplemental data must be submitted with this application.**
- 2. Failure to properly sign and notarize the application. An individual with signature authority for the applicant as defined by KRS 224.01-010(44) and 401 KAR 47:160, Section 6 must sign and notarize the appropriate signature sections of the application.**
- 3. Failure to provide appropriate financial assurance.**

Registration for a Registered Permit-By-Rule Less-Than-One-Acre Construction/Demolition Debris (CDD) Landfill

General Information

1. ☐ New Application
☐ Modification to an existing application
 (Complete Items 2 and 3 only if this is an existing permit.)
2. Agency Interest #: _____ 3. Permit #: _____

Registrant (Owner or Operator) Information

- 4. Registrant Name:**
(This refers to the corporation, LLC, business, person, government agency, etc., that owns or operates the facility.)
- 5. Registrant Mailing Address:**
- 6. City:** _____ **7. State:** _____ **8. Zip Code:** _____
- 9. Contact Person:** _____ **10. Title:** _____
- 11. E-mail Address:** _____
- 12. Phone #:** _____ - _____ - _____ ext. _____
- 13. Cell #:** _____ - _____ - _____ **14. Fax #:** _____ - _____ - _____

Facility Information

- 15. Facility Name:** _____ **16. County:** _____
- 17. Facility Street Address:** _____
(Provide the street or physical location. Do not use P. O. Box #'s, etc.)
- 18. City:** _____ **19. State:** _____ **20. Zip Code:** _____
- 21. Facility Contact:** _____ **22. Title:** _____
- 23. E-mail Address:** _____
- 24. Phone #:** _____ - _____ - _____ ext. _____
- 25. Cell #:** _____ - _____ - _____ **26. Fax #:** _____ - _____ - _____



<h2 style="text-align: center;">Preparer Information</h2>

(Complete Items 27 – 36 if the following information concerning the person preparing this application is different from the contact persons named in Items 9 and 21.)

27. Preparers Name:

28. Company:

29. Mailing Address:

30. City:

31. State:

32. Zip Code:

33. E-mail Address:

34. Phone #: - - ext.

35. Cell #: - -

36. Fax #: - -

<h2 style="text-align: center;">Site Information</h2>

37. What community is nearest to the proposed facility?

38. What highway intersection is nearest to the proposed facility?

&

39. What stream is nearest to the proposed facility?

40. What is the estimated daily and annual tonnage of waste to be disposed at this facility?

Daily: Tons

Annual Tons:

41. What disposal site(s) will accept any non-construction/demolition debris waste from this facility? List all that apply.

Facility Name	Permit Number	State

Attachments and Descriptions

- 42.** List all anticipated sources of waste by county and state. Estimate the monthly tonnage to be disposed for each source. If there are more than eight (8) waste sources, provide the additional information and label as **Attachment 1**. If accepting waste from an entire state, write the state name in the first column.

Source of Waste (County & State)	Monthly Quantity (Tons)

- 43.** Provide, as **Attachment 2**, a detailed description of the following: the equipment to be used, operating hours, number of personnel onsite daily, provisions for temporary storage, and the contingency plans for emergencies such as fire, spills, and equipment failure, etc.

- 44.** Provide, as **Attachment 3**, one (1) current, original USGS 7.5 minute topographic map with the original and each copy of the application. Clearly mark the location of the facility and property boundaries. Do not send aerial photographs in lieu of topographic maps.

- 45.** Provide, as **Attachment 4**, a site plan drawing showing all buildings, roads, property boundaries, fences, etc. Include a North arrow. The site plan may be hand-drawn.

- 46.** Is the proposed facility located in a wellhead protection area? ☐ Yes ☐ No

If yes, provide, as **Attachment 5**, engineering drawings that meet the requirements of 401 KAR 48:320, Section 3.

- 47.** Indicate the appropriate legal organizational structure of the registrant:

- | | |
|---|--|
| <input type="checkbox"/> Proprietorship | <input type="checkbox"/> Partnership General |
| <input type="checkbox"/> Corporation | <input type="checkbox"/> Partnership Limited |
| <input type="checkbox"/> Joint Venture | <input type="checkbox"/> Governmental Agency |
| <input type="checkbox"/> Other (describe) | |

- 48.** Provide, as **Attachment 6**, a notarized true and exact copy of the document which establishes the legal structure of the registrant and check the box that applies.

- ☐ Partnership agreement (partnership)
- ☐ Certificate of Incorporation from the Kentucky Secretary of State (in-state corporation)
- ☐ Certificate of Authority to transact business in Kentucky (out-of-state corporation)
- ☐ Not Applicable (if the registrant is a sole proprietor or government entity)

- 49.** Provide, as **Attachment 7**, a copy of an approved Certificate of Assumed Name as provided by the Secretary of State if the registrant is a corporation, limited partnership, or general partnership operating under an assumed name.

If not applicable, check here ☐

- 50.** Provide the demographic information for the resident agent in Kentucky for service of process, if the registrant is a corporation:

- a.** Name: _____
- b.** Title: _____
- c.** Street Address: _____
- d.** City: _____
- e.** State: _____
- f.** Zip Code: _____
- g.** E-mail Address: _____
- h.** Phone #: - - ext. _____
- i.** Cell #: - - _____
- j.** Fax #: - - _____

- 51.** If the owner of the property on which the proposed landfill is to be located is not the registrant, then the registrant must submit a notarized statement (see **Addendum 1** attached to this application) signed by the **property owner**.

If not applicable (the registrant is the property owner), check here: ☐

Public Notice and Financial Information

- 52.** Provide, as **Attachment 8**, a tear sheet and an affidavit of publication for the public notice. Use **Addendum 2** as the template for preparing the public notice. The tear sheet is the page of the paper containing the notice.

- 53.** I, _____, certify that a copy of this
 (Registrant's Signature)
 application has been delivered to the governing body of the solid waste management
 area in which the facility will be located.



54. Provide, as **Attachment 9**, the appropriate financial assurance mechanism (i.e., letter of credit, surety bond, certificate of insurance, etc.). Government agencies are required to provide financial assurance in the form of a Fiscal Year Budget. Budgets are to be revised and submitted annually.

Contact the Solid Waste Branch, Permit Administration Section, at (502) 564-6716 for the appropriate financial assurance forms and/or questions about completing these forms.

Registration Certification

55. Pursuant to **401 KAR 47:160, Section 6**, a person with signature authority such as a sole proprietor, owner, partner, corporate officer, plant manager, LLC member, mayor, county judge executive or other authorized official must sign this certification statement.

NOTE: Consultants may not sign the following certification statement.

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for such violations.”

Name of Person Signing (type or print):

Title of Person Signing:

Date: - -

Signature per 401 KAR 47:160: _____

Subscribed and sworn to before me this _____ day of _____, Year 20_____

Notary Public Signature: _____

State of _____ County of _____ My commission expires: _____



Registrant Disclosure Statement
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The **Registrant** is the person, partnership, association, company, corporation, government agency, etc., that owns or operates the facility.

56. Registrant's complete name:

57. Registrant's mailing address:

58. State of Incorporation or Application:

59. City:

60. State: 61. Zip Code:

62. Contact Person:

63. Title:

64. E-mail Address:

65. Phone #: - - ext.

66. Cell #: - -

67. Fax #: - -

68. As defined by KRS 224.01-010(44), provide the names of all key personnel and their titles or positions. Provide this data as **Attachment 10** if additional pages are needed. A completed Key Personnel Disclosure Statement must be submitted with the application for each individual listed as a key person.

Government agencies and sole proprietors are not required to submit key personnel disclosure statements.

If you are a sole proprietor or government agency, check here. ☐

Key Person	Title/Position

69. Provide, as **Attachment 11**, a description of the registrant's experience in managing solid waste including any past or present permits or licenses held by the registrant within the previous five (5) years.

If not applicable, check here. ☐

- 70.** Provide, as **Attachment 12**, a description of the registrant's experience in managing hazardous waste including any past or present permits or licenses held by the registrant within the previous five (5) years.

If not applicable, check here. ☐

- 71.** Provide, as **Attachment 13**, a description of all civil and administrative complaints against the registrant and its key personnel for the violation of any state or federal environmental protection law that have resulted in a fine or penalty of more than one thousand dollars (\$1,000) within five (5) years before the date of the submission of this application.

If applicable, each description shall include the following: the style of the complaint, the case, file, or other identifying number, the identity of all parties named in the complaint, the forum in which the complaint was filed, the identity of each state or federal agency involved with or named in the complaint, the amount of the fine or penalty, whether the fine or penalty has been paid, the identity and description of each law or regulation violated or alleged to have been violated and upon which the fine or penalty is based; and state whether the fine was the result of settlement or agreed order, an administrative order, or a court judgment. If litigation is ongoing, describe any orders or judgments entered and describe the current status of the litigation.

If not applicable, check here. ☐

- 72.** Provide, as **Attachment 14**, a description of all civil and administrative complaints against the registrant and its key personnel for the violation of any state or federal environmental protection law that allege an act or omission that constitutes a violation of a state or federal environmental protection law and that presented a substantial endangerment to the public health or the environment.

If applicable, each description shall include the following: the style of the complaint, the case, file, or other identifying number, the identities of each party to the complaint, the forum in which the complaint was brought, the identity of each state or federal agency involved with or named in the complaint, an explanation of the alleged act or omission, the identity and a description of the environmental protection law or regulation alleged to have been violated, an explanation of all corrective action measures performed to correct or mitigate the alleged violation, and a description of the alleged endangerment to public health or to the environment. State whether the issues raised in the complaint have been resolved and whether the resolution was the result of a settlement or agreement, an administrative order, or a court order of judgment. If litigation on the allegation is ongoing, describe any orders or judgments entered and describe the present status of the litigation.

If not applicable, check here. ☐

- 73.** Provide, as **Attachment 15**, a description of all pending criminal complaints alleging the violation of any state or federal environmental protection law that have been filed against the registrant and its key personnel within five (5) years before the date of submission of this application.

If applicable, each description shall include the following: the style of the case and the identifying case number, the date the complaint was filed, the forum in which the complaint is pending, the identity of the law or regulation allegedly violated and a narrative description of the law or regulation, whether the alleged violation is a misdemeanor or a felony, and all actions and pleadings which have occurred or have been filed in association with the complaint.

If not applicable, check here. ☐

- 74.** Provide, as **Attachment 16**, a description of all judgments of criminal conviction entered against the registrant and its key personnel within five (5) years before the date of submission of this application for the violation of any state or federal environmental protection law.

If applicable, each description shall include the following: style, case number, forum in which the complaint was entered, date of judgment, sentence imposed, the identity and a description of each law the registrant was convicted of violating, whether the conviction was the result of a plea agreement or a trial, and, if currently on appeal, the status of the appeal.

If not applicable, check here. ☐

- 75.** Provide, as **Attachment 17**, a description of all judgments of criminal conviction of a felony under the laws of any state or the United States that are entered against the registrant and its key personnel within five (5) years before the date of submission of this application.

If applicable, each description shall include the following: style, case number, forum in which the complaint was entered, date of judgment, sentence imposed, the identity and a description of each law the registrant was convicted of violating, whether the conviction was the result of a plea agreement or a trial, and, if currently on appeal, the status of the appeal.

If not applicable, check here. ☐

- 76.** Provide, as **Attachment 18**, a list of the names and addresses of all waste sites or facilities and solid waste management facilities in which the registrant or any of its key personnel has a financial or equitable interest, or is an officer, director, or manager.

If not applicable, check here. ☐

Registrant Disclosure Certification
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77. Pursuant to 401 KAR 47:160, Section 6, a person with signature authority such as a sole proprietor, owner, partner, corporate officer, plant manager, LLC member, mayor, county judge executive or other authorized official must sign this certification statement.

NOTE: Consultants may not sign the following certification statement.

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for such violations.”

Name of Person Signing (type or print):

Title of Person Signing:

Date: - -

Signature per 401 KAR 47:160: _____

Subscribed and sworn to before me this _____ day of _____, Year 20_____

Notary Public Signature: _____

State of _____ County of _____ My commission expires: _____



Key Personnel Disclosure Statement

Sole proprietors and government agencies are exempt from the requirements of this section.

78. Key Person (type or print):

79. Mailing Address:

80. City:

81. State:

82. Zip Code:

83. E-mail Address:

84. Phone #: - - ext.

85. Cell #: - -

86. Fax #: - -

87. What is the relationship between the applicant and key person?

See KRS 224.01-010(44).

☐ Partner

☐ Corporate Official

☐ LLC Member

☐ Shareholder

☐ Other (describe):

88. Provide, as **Attachment 19, a description of the key person's experience in managing solid waste including any past or present permits or licenses held by the key person within the previous five (5) years.**

If not applicable, check here. ☐

89. Provide, as **Attachment 20, a description of the key person's experience in managing hazardous waste including any past or present permits or licenses held by the key person within the previous five (5) years.**

If not applicable, check here. ☐

90. Provide, as **Attachment 21, a description of all civil and administrative complaints against the key person for the violation of any state or federal environmental protection law that have resulted in a fine or penalty of more than one thousand dollars (\$1,000) within five (5) years before the date of the submission of this application.**

If applicable, each description shall include the following: the style of the complaint, the case, file, or other identifying number, the identity of all parties named in the complaint, the forum in which the complaint was filed, the identity of each state or federal agency involved with or named in the complaint, the amount of the fine or penalty, whether the fine or penalty has been paid, the identity and description of each law or regulation violated or alleged to have been violated and upon which the fine or penalty is based; and state whether the fine was the result of settlement or agreed

order, an administrative order, or a court judgment. If litigation is ongoing, describe any orders or judgments entered and describe the current status of the litigation.

If not applicable, check here. ☐

- 91.** Provide, as **Attachment 22**, a description of all civil and administrative complaints against the key person for the violation of any state or federal environmental protection law that allege an act or omission that constitutes a violation of a state or federal environmental protection law and that presented a substantial endangerment to the public health or the environment.

If applicable, each description shall include the following: the style of the complaint, the case, file, or other identifying number, the identities of each party to the complaint, the forum in which the complaint was brought, the identity of each state or federal agency involved with or named in the complaint, an explanation of the alleged act or omission, the identity and a description of the environmental protection law or regulation alleged to have been violated, an explanation of all corrective action measures performed to correct or mitigate the alleged violation, and a description of the alleged endangerment to public health or to the environment. State whether the issues raised in the complaint have been resolved and whether the resolution was the result of a settlement or agreement, an administrative order, or a court order of judgment. If litigation on the allegation is ongoing, describe any orders or judgments entered and describe the present status of the litigation.

If not applicable, check here. ☐

- 92.** Provide, as **Attachment 23**, a description of all pending criminal complaints alleging the violation of any state or federal environmental protection law that have been filed against the key person within five (5) years before the date of submission of this application.

If applicable, each description shall include the following: the style of the case and the identifying case number, the date the complaint was filed, the forum in which the complaint is pending, the identity of the law or regulation allegedly violated and a narrative description of the law or regulation, whether the alleged violation is a misdemeanor or a felony, and all actions and pleadings which have occurred or have been filed in association with the complaint.

If not applicable, check here. ☐

- 93.** Provide, as **Attachment 24**, a description of all judgments of criminal conviction entered against the key person within five (5) years before the date of submission of this application for the violation of any state or federal environmental protection law.

If applicable, each description shall include the following: style, case number, forum in which the complaint was entered, date of judgment, sentence imposed, the identity and a description of each law the key person was convicted of violating, whether the conviction was the result of a plea agreement or a trial, and, if currently on appeal, the status of the appeal.

If not applicable, check here. ☐

94. Provide, as **Attachment 25**, a description of all judgments of criminal conviction of a felony under the laws of any state or the United States that are entered against the key person within five (5) years before the date of submission of this application.

If applicable, each description shall include the following: style, case number, forum in which the complaint was entered, date of judgment, sentence imposed, the identity and a description of each law the key person was convicted of violating, whether the conviction was the result of a plea agreement or a trial, and, if currently on appeal, the status of the appeal.

If not applicable, check here. ☐

95. Provide, as **Attachment 26**, a list of the names and addresses of all waste sites or facilities and solid waste management facilities in which the key person has a financial or equitable interest, or is an officer, director, or manager.

If not applicable, check here. ☐

Key Personnel Disclosure Certification

96. Pursuant to 401 KAR 47:160, Section 6, the key person must sign this statement.

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for such violations.”

Name of Key Person Signing (type or print):

Title of Key Person Signing:

Date: - -

Signature per 401 KAR 47:160: _____

Subscribed and sworn to before me this _____ day of _____, Year 20____

Notary Public Signature: _____

State of _____ County of _____ My commission expires: _____



Addendum 1

OWNER'S ACKNOWLEDGEMENT OF LIABILITY**97.** Property Owner:**98.** Mailing Address:**99.** City:**100.** State:**101.** Zip:**102.** Contact Person:**103.** Title:**104.** E-mail:**105.** Phone #: - - ext.**106.** Cell #: - -**107.** Fax Number: - -**108.** The property owner must sign this statement.

“I am aware of the facility that has been proposed for my property; and, I have been given a copy of the application outlining this project. I hereby give permission for the registrant to proceed with this project. I understand that I am fully liable if the registrant fails to comply with the statutory and regulatory requirements for less-than-one-acre construction/demolition debris landfills, including any enforcement actions by the Energy and Environment Cabinet.”

Name of Property Owner (type or print):

Signature of Property Owner _____

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public Signature _____

State of _____ County of _____ My commission expires _____.



Addendum 2

Note: The notice must run two weeks prior to submitting the application to the DWM.

1. Fill in all blanks.
2. Submit this notice for publication to a newspaper of general circulation in the county where the proposed waste management facility will be located.
3. Inform the newspaper that the public notice shall be of a size to include not less than two (2) column widths for advertising and shall be in a display format.
4. Request a tear sheet and affidavit of publication from the newspaper publishing the notice. The tear sheet and affidavit of publication must be submitted to the DWM along with your completed application. Label as **Attachment 8**.

PUBLIC NOTICE REGISTERED PERMIT-BY-RULE

(Name of Registrant) proposes to submit an application for a registered permit-by-rule less-than-one- acre, construction/demolition debris (CDD) landfill to the Energy and Environment Cabinet, Division of Waste Management, pursuant to 401 KAR 47:110. The registration shall become effective five (5) business days after the cabinet receives it unless the cabinet denies the registration within that time. The proposed facility will:

(Provide a description of the business to be conducted.)

The proposed facility will be located at the following address:

(facility name)

(facility physical address)

(city)

(state)

(zip)

For questions regarding this proposed facility, contact: (facility owner or operator) at - - (phone number including area code). Questions concerning the application process for registered permits-by-rule can be directed to the:

**Division of Waste Management
Solid Waste Branch
200 Fair Oaks Lane, Second Floor
Frankfort, KY 40601
(502) 564-6716**

